

Atty. Docket No. CH919990043
(590.041)

REMARKS

Applicants and the undersigned are most grateful for the time and effort accorded the instant application by the Examiner. Claims 1-16 were pending in the instant application at the time of the outstanding Office Action. Claims 1, 10, 12, 15 and 16 are independent claims; the remaining claims are dependent claims.

Claim 9 stands rejected under 35 U.S.C § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The claim has been rewritten in a manner believed to obviate the rejection. These amendments are not in acquiescence of the Examiner's position on the allowability of the claims, but merely to expedite prosecution. It should be noted Applicants intend no change in scope of the claims by the changes made by these amendments and has introduced no new matter to the specification.

Claims 1-16 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Ferstenberg et al. in view of Applicants' alleged admissions. The Office is respectfully requested to reconsider the rejections presented in the outstanding Office Action in light of the following remarks. While the remarks are addressed to the Fertenberg et al. reference, this is merely to expedite prosecution, and should not be taken to mean that Applicants agree with the Office's position on Applicants' alleged admissions or the official notice purportedly taken by the Office on certain matters.

The present invention is broadly directed to a match-making process in which supplier offers can be matched to client requirements and updatable feature data elements

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are provided by both parties and current specifications for the features in question can be obtained repeatedly by the trader device so that a condition dependent on these current specifications can be evaluated as part of the match-making process. (Page 6, lines 1-6) By providing for repeated updates of updatable feature data elements in this way, the updatable feature data elements can be exploited to enable a client and supplier to successively modify the required and offered features, thus providing a mechanism for conducting structured negotiations between the parties as part of the match-making process. (Page 6, lines 6-10) Thus, embodiments of the invention provide an elegantly simple and efficient process for supporting negotiation in the match-making operation.

As best understood, Ferstenberg et al. is directed to a computer system for intermediated exchange that is capable of facilitating exchanges of multiple commodities for multiple participants. (Col. 2, lines 59-63) As noted in the Office Action (page 5), the system of Ferstenberg et al. uses a "quote feed" which broadcasts quotes/trades of financial commodity prices (Col. 44, lines 38-40) and at the beginning of an intermediated exchange provides up-to-the-moment prices of commodities participating in the exchange. (Col. 44, lines 49-51) Using a "quote feed" to provide up-to-the-moment historical pricing information, however, is very different than then the present invention which uses feature data elements thereby permitting a party to a transaction to modify the feature data.

The instantly claimed invention requires specifically requires a supply offer and a client requirement both of which include "at least one updatable feature data element" which is indicative of a variable feature and "repeatedly issuing update requests to obtain

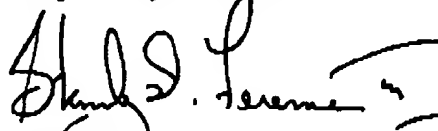
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current specifications for said updatable feature data elements". (Claim 1) Similar language appears in the other independent claims. Providing an updateable feature data element to enable a client and supplier to successively modify a required and offered feature is simply not taught or suggested by Ferstenberg et al., which uses non-modifiable historical pricing information (provided by a "quote feed").

In view of the foregoing, it is respectfully submitted that Claims 1, 10, 12, 15 and 16 are fully distinguishable over the applied art and are thus allowable. By virtue of dependence from these claims, it is thus also submitted that Claims 2-9, 11 and 13-14 are also allowable at this juncture.

In summary, it is respectfully submitted that the instant application, including Claims 1-16, is presently in condition for allowance. Notice to the effect is hereby earnestly solicited. If there are any further issues in this application, the Examiner is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,



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